

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re patent application of:  
Jussi Petri Myllymaki

Atty. Docket No.:ARC920000103US1

Serial No.: 09/769,452

Group Art Unit: 2618

Filed: January 26, 2001

Examiner: Angelica Perez

For: WIRELESS COMMUNICATION SYSTEM AND METHOD FOR SORTING  
LOCATION RELATED INFORMATION

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPELLANT'S APPEAL BRIEF**

Sirs:

Appellant respectfully appeals the final rejection of claims 1-25, in the Office Action dated September 10, 2007. A Notice of Appeal was timely filed on December 7, 2007.

## Appeal Brief

### **I. REAL PARTY IN INTEREST**

The real party in interest is International Business Machines Corporation, Armonk, New York, assignee of 100% interest of the above-referenced patent application.

### **II. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences known to Appellant, Appellant's legal representative or Assignee, which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

### **III. STATUS OF CLAIMS**

Claims 1-25, all of the claims pending in the application and fully set forth in the attached appendix (Section VIII: CLAIMS APPENDIX), are under appeal.

Claims 1-25 were originally filed with the application. A non-final Office Action, mailed October 27, 2003, rejected claims 1-23 and objected to claims 24 and 25. Appellant timely filed an Amendment under 37 C.F.R. §1.111 on January 20, 2004, amending independent claims 1, 10, 18, and 23. A final Office Action, mailed April 22, 2004, rejected claims 1-25. Appellant timely filed an Amendment under 37 C.F.R. §1.116 on June 22, 2004, amending independent claims 1, 10, 18, and 23. After a teleconference with the Examiner, Appellant filed a Request for Continued Examination on August 30, 2004. An Advisory Action, mailed September 10, 2004, indicated that the proposed amendments filed under 37 C.F.R. §1.116 on June 22, 2004 would not be entered because they raised new issues that would require further consideration and/or search. A non-final Office Action, mailed October 22, 2004, rejected claims 1-25. Appellant timely filed an Amendment under 37 C.F.R. §1.111 on January 19, 2005, amending independent claims 1, 10, 18, and 23. A final Office Action, mailed June 17, 2005, rejected claims 1-25. Appellant timely filed a Response under 37 C.F.R. §1.116 on August 16, 2005, in which no amendments were made to the claims. An Advisory Action, mailed September 23, 2005, indicated that the application was not in condition for allowance. Appellant timely filed a Notice of Appeal on September 19, 2005. Appellant timely filed an Appeal Brief on November 17, 2005. In response to the Appeal Brief, filed on November 17, 2005, a non-final Office

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Action rejecting claims 1-25 was mailed on October 10, 2006. Appellant timely filed a Response under 37 under 37 C.F.R. §1.111 on January 8, 2007, in which no amendments were made to the claims. A non-final Office Action, mailed March 23, 2007, rejected claims 1-25. Appellant timely filed an Amendment under 37 C.F.R. §1.111 on June 22, 2007, amending claims 1, 3, 5-10, 13, 15-18, and 22-25. A final Office Action, mailed September 10, 2007, rejected claims 1-25. Appellant timely filed, on November 7, 2007, an Amendment under 37 C.F.R. §1.116, that merely amended the dependent claims pursuant to new Rule 37 CFR 1.75(b) and *Pfizer Inc. v. Ranbaxy Labs, Ltd.*, 437 F.3d 1284, 1292, 70 U.S.P.Q.2d 1583, 1589-90 (Fed. Cir. 2006). An Advisory Action, mailed November 26, 2007, indicated that the application was not in condition for allowance. Appellant timely filed a Notice of Appeal on December 7, 2007.

Presently, claims 1, 2, 4, 6-12, 14-21, and 23-25 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,625,457 to Raith.

Presently, claims 3 and 22 stand rejected under 35 U.S.C. 103(a) as unpatentable over Raith in view of U.S. Patent No. 6,549,768 to Fraccaroli.

Presently, claims 5 and 13 stand rejected under 35 U.S.C. 103(a) as unpatentable over Raith in view of U.S. Patent No. 6,127,945 to Mura-Smith.

All the rejections are appealed.

## IV. STATUS OF AMENDMENTS

In response to the final Office Action mailed September 10, 2007, Appellant timely filed an after-final Amendment under 37 C.F.R. §1.116, on November 7, 2007, that merely amended the dependent claims pursuant to new Rule 37 CFR 1.75(b) and *Pfizer Inc. v. Ranbaxy Labs, Ltd.*, 437 F.3d 1284, 1292, 70 U.S.P.Q.2d 1583, 1589-90 (Fed. Cir. 2006). An Advisory Action, mailed November 26, 2007, indicated that the application was not in condition for allowance, and that the rejections of the claims would remain. The claims shown in the CLAIMS APPENDIX are shown in the amended form as of the after-final Amendment, filed on November 7, 2007.

## V. SUMMARY OF CLAIMED SUBJECT MATTER

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The Appellant's claimed invention is generally described from page 2, line 12 to page 11, line 21 of the Specification and illustrated in Figs. 1-3 of the Application, as originally filed. In particular, Appellant's claimed invention is parenthetically describe with specific reference to the claimed subject matter by page number and line number and by Figure number, as originally filed.

**Claim 1:** A method of sorting geo-spatial dependent data using a client wireless component (CWC), the method comprising: (Page 4, lines 3-8; page 5, lines 14-16; page 8 lines 7-9; and page 10, lines 11-17), receiving user documents comprising personal information added by a user of said CWC, (Page 7, lines 1-7 and page 8, lines 6-7), wherein said user documents have location identifiers associated with said personal user information; (Page 8, lines 7-14; and page 9, lines 15-20), determining a location of said CWC; (Page 5, lines 4-11), sorting, within said CWC, said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers; (Page 7, lines 1-7; page 9, lines 6-20; and page 10, lines 16-17), and displaying said personal user information in said shortest-distance-first order on said CWC (Page 9, lines 9-11; and page 10, lines 17-18).

**Claim 2:** The method in claim 1, all the limitations of which are incorporated herein by reference, wherein said determining of said location of said CWC includes providing a global position satellite (GPS)-type CWC and tracking location of said GPS-type CWC using global position satellites (Page 5, lines 1-8).

**Claim 3:** The method in claim 1, all the limitations of which are incorporated herein by reference, wherein said personal user information comprises a personal telephone directory, and wherein said determining of said location of said CWC includes accessing an area code of a local wireless cellular network (Page 7, lines 2-3 and 14-15).

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**Claim 4:** The method in claim 1, all the limitations of which are incorporated herein by reference, wherein said determining of said location of said CWC includes explicit entry of location data (Page 7, lines 15-16).

**Claim 5:** The method in claim 1, all the limitations of which are incorporated herein by reference, further comprising storing said location into said CWC by inputting said location in a location tracking database that stores both said location and a timestamp (Page 7, lines 12-17).

**Claim 6:** The method in claim 1, all the limitations of which are incorporated herein by reference, further comprising editing said location identifiers to correspond to actual geo-spatial locations (Page 8, lines 18-19).

**Claim 7:** The method in claim 1, all the limitations of which are incorporated herein by reference, further comprising assigning said location identifiers based on information other than geo-spatial location (Page 7, lines 13-16; and page 7, line 20 to page 8, line 5).

**Claim 8:** The method in claim 1, all the limitations of which are incorporated herein by reference, wherein said sorting comprises calculating a distance between said location and said location identifiers and ordering said personal information by said distance, beginning with a smallest distance (Page 9, lines 1-11).

**Claim 9:** The method in claim 1, all the limitations of which are incorporated herein by reference, wherein the sorting of said personal user information in a location-dependent order by calculating the distance between current location and said location identifiers associated with said personal information is performed by logical dimension (Page 9, lines 6-7).

**Claim 10:** A method of sorting geo-spatial dependent data using a global position satellite (GPS)-type client wireless component (CWC), said method comprising: (Page 4, lines 3-8; page 6, lines 3-10; and page 10, lines 11-17), receiving user documents comprising personal user

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information added by a user of said CWC, (Page 7, lines 1-7 and page 8, lines 6-7), wherein said user documents have location identifiers associated with said personal user information; (Page 8, lines 7-14; and page 9, lines 15-20), determining a location of said CWC; (Page 5, lines 4-11), sorting, within said CWC, said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers; (Page 7, lines 1-7; page 9, lines 6-20; and page 10, lines 16-17), and displaying said personal user information in said shortest-distance-first order on said CWC (Page 9, lines 9-11; and page 10, lines 17-18).

**Claim 11:** The method in claim 10, all the limitations of which are incorporated herein by reference, wherein said determining said location of said CWC includes automatic determination by a global position satellite network (Page 5, lines 1-8).

**Claim 12:** The method in claim 10, all the limitations of which are incorporated herein by reference, wherein said determining of said location is by inputting a particular location into the CWC (Page 7, lines 12-16).

**Claim 13:** The method in claim 10, all the limitations of which are incorporated herein by reference, further comprising storing said location into said CWC by inputting said location in a location tracking database that stores both said location and a timestamp (Page 7, lines 12-17).

**Claim 14:** The method in claim 10, all the limitations of which are incorporated herein by reference, further comprising editing said location identifier to correspond to geo-spatial location by the GPS-CWC (Page 10, lines 1-10).

**Claim 15:** The method in claim 10, all the limitations of which are incorporated herein by reference, further comprising assigning said location identifiers based on information other than geo-spatial location (Page 7, lines 13-16; and page 7, line 20 to page 8, line 5).

**Claim 16:** The method in claim 10, all the limitations of which are incorporated herein by reference, wherein said sorting comprises calculating a distance between said location and said location identifiers and ordering said personal user information by said distance, beginning with a smallest distance (Page 9, lines 1-11).

**Claim 17:** The method in claim 10, all the limitations of which are incorporated herein by reference, wherein said sorting of said personal user information in a location-dependent order by calculating the distance between current location and said location identifiers associated with said personal user information is performed by logical dimension based upon user preference (Page 9, lines 6-7).

**Claim 18:** A system for sorting location dependent data, the system comprising: (Page 4, lines 3-8; page 5, lines 14-16; and Fig. 1, 10), a client wireless component (CWC), the CWC having: (page 4, lines 6-7; and Fig. 1, 2), a location tracker operatively configured with a location tracking database to determine a location of said CWC; (Page 7, lines 12-17; and Fig. 2, 110, 120), a document database operatively configured with an editor, a presenter and a recorder, (Page 8, lines 15-16; page 9, lines 1-2; and page 10, lines 5-7; and Fig. 2, 140, 150, 160), said presenter operatively configured with said location tracking database, (Page 9, lines 1-5; and Fig. 2, 120, 150), wherein said document database comprises user documents comprising personal user information added by a user of said CWC through said editor (Page 8, lines 15-18; and Fig. 2, 130, 140), wherein said user documents have location identifiers associated with said personal user information (Page 8, lines 7-14; and page 9, lines 15-20); a session manager within said CWC, whereby said personal user information is sorted by said session manager in a shortest-distance-first order based on said location of said CWC and said location identifiers; (page 5, lines 13-16; page 7, lines 1-7; page 9, lines 6-20; page 10, lines 16-17; and Fig. 1, 21), and a graphic user interface adapted to display said personal user information in said shortest-distance-first order (Page 9, lines 9-11; page 4, lines 12-14; and Fig. 1, 24).

**Claim 19:** The system in claim 18, all the limitations of which are incorporated herein by reference, wherein said editor and said recorder comprise editing components that modify said location tracking database (Page 8, lines 18-19 and Fig. 2, 130, 140; and page 10, lines 1-10 and 130, 160).

**Claim 20:** The system in claim 18, all the limitations of which are incorporated herein by reference, wherein said presenter retrieves documents from said document database, and sorts them in location-dependent order for presentation by calculating said distance between current location from said location tracking database and location information associated with each document in said document database (Page 9, lines 1-14 and Fig. 2, 150, user).

**Claim 21:** The system in claim 18, all the limitations of which are incorporated herein by reference, wherein said CWC further includes global positioning satellite (GPS) position components and distance determination for sorting said document database is determined by a signal from a GPS network (Page 5, lines 1-11 and Fig. 1, 22; and page 9, lines 1-14 and Fig. 2, 110, 120, 150, user).

**Claim 22:** The system in claim 18, all the limitations of which are incorporated herein by reference, wherein said personal user information comprises a personal telephone directory, and wherein said CWC includes position determining components for sorting said document database, said positioning determining components to determine said location of said CWC by accessing an area code of a local wireless cellular network (Page 7, lines 1-3; page 7, lines 12-17; page 8, lines 7-9; and Figs. 1 and 2).

**Claim 23:** A program storage device readable by machine, tangibly embodying a program of instructions executable by said machine to perform a method for sorting location dependent data using a client wireless component, said method comprising: (Page 4, lines 3-8; page 5, lines 14-16; page 8 lines 7-9; and page 10, lines 11-17), receiving user documents comprising personal user information added by a user of said CWC, (Page 7, lines 1-7 and page 8, lines 6-7), wherein



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said user documents have location identifiers associated with said personal user information; (Page 8, lines 7-14; and page 9, lines 15-20), determining a location of said CWC; (Page 5, lines 4-11), sorting, within said CWC, said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers; (Page 7, lines 1-7; page 9, lines 6-20; and page 10, lines 16-17), and displaying said personal user information in said shortest-distance-first order on said CWC (Page 9, lines 9-11; and page 10, lines 17-18).

**Claim 24:** A program storage device in claim 23, all the limitations of which are incorporated herein by reference, wherein said method further comprises editing said location identifiers associated with said personal user information by actual geo-spatial location (Page 8, lines 18-19; and page 10, lines 5-10).

**Claim 25:** The program storage device in claim 23, all the limitations of which are incorporated herein by reference, wherein said method further comprises editing said location identifiers associated with said personal user information by non-actual geo-spatial location (Page 8, lines 7-9).

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The issues presented for review by the Board of Patents Appeals and Interferences are: whether claims 1-2, 4, 6-12, 14-21, and 23-25 are anticipated by U.S. Patent No. 6,625,457 to Raith under 35 U.S.C. §102(e); whether claims 3 and 22 are unpatentable over Raith in view of U.S. Patent No. 6,549,768 to Fraccaroli under 35 U.S.C. §103(a); and whether claims 5 and 13 are unpatentable over Raith in view of U.S. Patent No. 6,127,945 to Mura-Smith under 35 U.S.C. §103(a).

## **VII. ARGUMENT**

### **A. The Anticipation Rejection of Independent Claims 1, 10, 18, and 23, and Dependent Claims 2, 4, 6-9, 11, 12, 14-17, 19-21, 24 and 25 over Raith**

#### **1. The Position of the Office**

The Advisory Action, mailed November 26, 2007, states on the Continuation Sheet:

"Continuation of 11, does NOT place the application in condition for allowance because: As stated previously, the examiner's interpretation of "shortest-distance-first order" is taken from the applicant's own description found in paragraph 26 in the specification. "A shortest-distance-first order allows the Presenter 150 to display those documents first that are most closely (distance-wise) related to the user's current location. For instance, a user on a business trip will find his/her cellular phone directory displayed so that numbers residing in the same area code as the user's current location will be listed first. This greatly reduces the effort required to find the local phone numbers of the user's business partners." Where given a broad reasonable interpretation, the telephone numbers (as a whole and not necessarily in a systematic order) of the current location [*sic*] of the user that have the same area code will be displayed first (as a whole and not necessarily in a granular systematic order) as opposed to telephone numbers of the next nearest town. given this interpretation, the prior art reads on the claims."

The Final Action, mailed September 10, 2007, states in relevant part,

"2. Claims 1-2, 4, 6-12, 14-21, 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Raith, Alex Krister (Raith, US006625457B1).

Regarding claims 1, 10 and 23, Raith teaches of a method and program storage device readable by machine, tangibly embodying a program of instructions executable by the machine (column 3, lines 28-30) to perform a method for sorting geo-spatial dependent data using a global position satellite (GPS)-type client wireless component (CWC) (column 1, 3 and 5, lines 60-62, 43-47 and 14-22, respectively), the method comprising: receiving user documents comprising personal user information added by a user of the CWC (column 5, lines 14-29, where the user inputs documents downloaded from different means as well as enters data manually. The data downloaded and inputted by the user is data of personal interest and specifically

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selected by the user), where the user documents have location identifiers associated with the personal user information (column 5, lines 2-8, e.g., “cities, states, etc.”); determining a location of the CWC (column 1, lines 64-67); sorting, within the CWC, the personal user information document database in a shortest-distance-first order based on the location of the CWC and the location identifiers (columns 4 and 5, lines 65-67 and 1-29, respectively; column 6, lines 5-11 where the examiner would like to quote an example given by the applicant’s found in page 9 of the specifications that reads: “shortest-distance-first sort order allows the Presenter 150 to display those documents first that are most closely distance-wise) related to the users current location. For instance, a user on, a business trip will find his/her cellular phone directory displayed so that numbers residing in the same area code as the user’s current location will be listed first.”); and displaying the personal user information geo spatial dependent data in the shortest-distance-first order on the CWC (columns 4 and 5, lines 33-36 and 14-29 respectively; where the user can customize the entries according to his/her needs or desire).

Regarding claim 18, Raith teaches of a system for sorting location dependent data (figure 1), the system comprising: a client wireless component (CWC) (figure 1, item 100), the CWC having: a location tracker operatively configured with a location tracking database to determine a location of the CWC (columns 1 and 3, lines 64-67 and 43-47, respectively); a document database operatively configured with an editor (columns 4 and 5, lines 1-16 and 14-29, respectively, a presenter (column 4, lines 33-36, where the information is presented to the user on the display by the presenter) and a recorder (column 4, lines 1 -2, where the memory records the location related information), the presenter operatively configured with the location tracking database (column 6, lines 34-41, (where the presenter, presents the information to the user on the display as the user moves), where the document database comprises user documents comprising personal user information added by a user of the CWC through the editor (column 5, lines 14-29, where the user inputs documents downloaded from different means as well as enters data manually. The data downloaded and inputted by the user is data of personal interest and specifically selected by the user), where the user documents have location identifiers associated with the personal user information (column 5, lines 2-8, e.g., “cities, states. etc.”); a session manager within the CWC, whereby the personal user information location dependent data used

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by the CWC is sorted by the session manager in a shortest-distance-first order based on the location of the CWC and the location identifiers (columns 4 and 5, lines 65-67 and 1-29; respectively; column 6, lines 5-11 (where the examiner would like to quote an example given by the applicant's found in page 9 of the specifications that reads: shortest-distance-first sort order allows the presenter 150 to display those documents first that are most closely (distance-wise) related to the users current location. For instance, a user on a business trip will find his/her cellular phone directory displayed so that numbers residing in the same area code as the user's current location will be listed first.") and a graphic user interface adapted to display the personal user information geo spatial dependent data in the shortest-distance-first order (columns 3, 4 and 5, lines 31-34, 33-36 and 14-29 respectively; where the user can customize the entries according to his/her needs or desire).

Regarding claims 2 and 11, Raith teaches all the limitations of claims 1 and 10, respectively. Raith further teaches where the determining of the location of the CWC includes automatic determination by a global position satellite (GPS)-type CWC and tracking location of the GPS-type CEC using global positioning satellites (column 3, lines 43-47).\

Regarding claims 4 and 12, Raith teaches all the limitations of claims 1 and 10, respectively. Raith further teaches where the determining of the location of the CWC includes explicit entry of location data (column 5, lines 19-20).

Regarding claims 6, 14 and 24, Raith teaches all the limitations of claims 1, 10 and 23, respectively. Raith further teaches of editing the location identifiers associated with the personal user information by actual geo-spatial locations obtained by the GPS-CWC (column 5, lines 24-29, where when inputting information, there is opportunity to edit).

Regarding claims 7 and 15, Raith teaches all the limitations of claims 1 and 10, respectively. Raith further teaches where of assigning said location identifiers based on information other than geo-spatial location (figure 11, items 110; where the information identifiers correspond to information other than geo-spatial location).

Regarding claims 8 and 16, Raith teaches all the limitations of claims 1 and 10, respectively. Raith further teaches where the sorting comprises calculating a distance between the location and the location identifiers and ordering said personal information by the distance,

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beginning with a smallest distance (columns 4 and 5, lines 65-67 and 1-29, respectively; column 6, lines 5-11; where the examiner would like to quote an example given by the applicant's found in page 9 of the specification that reads: "shortest-distance-first sort order allows the Presenter 150 to display those documents first that are most closely (distance-wise) related to the user's current location. For instance, a user on a business trip will find his/her cellular phone directory displayed so that numbers residing in the same area code as the user's current location will be listed first").

Regarding claims 9 and 17, Raith teaches all the limitations of claims 1 and 10, respectively. Raith further teaches where the sorting of the personal user information document database in a location-dependent order by calculating the distance between current location and the location identifiers associated with the personal information datum in the document database is performed by logical dimension based upon user preference (column 4, 5, and 6; lines 65-67, 1-29 and 18-20, respectively).

Regarding claim 19, Raith teaches all the limitations of claim 18. Raith further teaches where the editor and the recorder comprise editing components that modify said location tracking database (column 6, lines 15-21).

Regarding claim 20, Raith teaches all the limitations of claim 18. Raith further teaches where the presenter retrieves documents from the document database, and sorts them in location-dependent order for presentation by calculating the distance between current location from the location tracking database and location information associated with each document in the document database (column 6, lines 31-41).

Regarding claim 21, Raith teaches all the limitations of claim 18. Raith further teaches where the CWC further includes global positioning satellite (GPS) position components and distance determination for sorting the document database is determined by a signal from a GPS network (column 3, lines 43-47).

Regarding claim 25, Raith teaches all the limitations of claim 23. Raith further teaches of editing the location identifiers associated with the personal user information by actual geo-spatial locations obtained by non-actual geo-spatial locations (column 5, lines 24-29, where when inputting information, there is opportunity to edit and it does not necessarily have to refer

to geo-spatial locations).

## **2. Appellant's Position**

Independent claims 1, 10, and 23 recite in relevant part,

"sorting, within said CWC [Client Wireless Component], said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers".

Similarly, independent claim 18 recites in relevant part,

"a session manager within said CWC, whereby said personal user information is sorted by said session manager in a shortest-distance-first order based on said location of said CWC and said location identifiers".

The present invention describes the feature of "a shortest-distance-first order" at several locations throughout the Specification. Page 3, line 6-8 of the Specification describes "sorting the document database in a location-dependent order by calculating a distance between the user's location and the location identifiers associated with the datum in the document database". Page 9, lines 5 of the Specification describe "The Presenter 150 is responsible for retrieving documents from the Document Database 130, and arranging them in a location-dependent order for presentation to the user. It does this by calculating the distance between the user's current location (retrieved from the Location Tracking Database) (step 3) and the location information associated with each document (retrieved from the Document Database 130) (step 4)". Page 9, lines 6-11 of the Specification describes "The distance is a metric expressed in either a physical dimension (miles, degrees longitude/latitude) or logical dimension (number of street blocks, number of network hops). Once the documents are retrieved from the Document Database 130, they are sorted according to distance and presented to the user (step 5)."

The Specification also describes how, for example, a telephone number associated with an area code, may be edited to provide a geo-spatial location: "The Recorder 160 provides an interface as part of the Presenter 150 user interface that allows the user to add, modify, and delete the location information associated with a document (step 6). For convenience, a special button on the keypad of a mobile-type CWC device may be allocated to do this. For instance, on

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a cellular phone, a special key can be assigned to the task "Mark Here" that associates the user's current location with the document that was selected." (Specification, page 10, lines 5-9).

On the other hand, Raith discloses that the location data in the location database may reference pre-defined geographic areas, referred to as area definitions, stored in the mobile terminal 100, either as part of the location database or as part of some other database. The defined geographic areas may, for example, comprise countries, states, counties, cities, or other useful geographic areas. The geographic areas defined in the location database may include sub-areas. For example, the areas defined may include countries, the states or provinces within each country, and the counties within each state or province. (col. 4, line 65 to col. 5, line 8, which is cited by the Final Action on page 3, line 7, page 4, line 14, and page 6, line 1).

Raith further discloses if the user requests a list of hotels in the locality of the mobile terminal 100, the mobile terminal 100 could query the location database to return a list of hotels and then reduce the list by comparing the associated location data with the current location of the mobile terminal 100. A list of hotels within a predetermined distance (which could be preprogrammed) of the current location of the mobile terminal 100, or within the same geographic area, would be sent to the display 110). (col. 4, lines 28-36, which is cited by the Final Action on page 3, line 15, and page 5, line 1).

In contrast to the present invention, Raith never calculates a distance between his mobile terminal and a set of location data in order to sort according to distance. At best, Raith may present (his example) a list of hotels within a predetermined distance. However, Raith's list of hotels within the predetermined distance is not presented in a shortest-distance-first order based on the location of his mobile terminal and his location data. For example, if Raith's mobile terminal were located at Union Station in Washington, DC and the predetermined distance of listed hotels were 10 miles, the user would have no idea whether the Willard Hotel was closer to Union Station than the Ritz-Carlton Hotel, because the predetermined distance used is only a threshold and not a metric for each location datum.

Instead, Raith discloses a listing of location data based on predefined geographic areas

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comprising, for example, countries, states, counties, cities, or other useful geographic areas. Within a predefined geographic area, even one with a predetermined distance, Raith does not disclose how the location data within such a predefined geographic area are to be ordered.

For at least the reasons outlined above, Appellant respectfully submits that Raith does not disclose, teach or suggest the feature of "sorting, within said CWC, said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers", as recited in independent claims 1, 10, and 23, and similarly recited in independent claim 18. Accordingly, Raith does not anticipate, or render obvious, every feature of independent claims 1, 10, 18, and 23, and dependent claims 2-9, 11-17, 19-22, 24, and 25, under 35 U.S.C. 35 U.S.C. §102(e). Withdrawal of the rejection of claims 1, 2, 4, 6-12, 14-21, and 23-25 as anticipated by Raith under 35 U.S.C. 35 U.S.C. §102(e) is respectfully solicited.

### **B. The Unpatentability Rejection of Dependent Claims 3 and 22 over Raith and Fraccaroli**

#### **1. The Position of the Office**

Claims 3 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith in view of Fraccaroli, Federico (Fraccaroli, US006549768B1).

Regarding claims 3 and 22, Raith teaches all the limitations of claims 1 and 18, respectively.

Raith further teaches where the personal user information comprises a personal telephone directory and where the CWC includes position determining components for sorting the document database (column 4, lines 5-11, where the list comprises a personal telephone directory since, the items with the corresponding phone numbers are selected by the user).

Raith does not specifically teach where the determining of the location of the CWC includes accessing an area code of a local wireless cellular network.

In related art concerning a mobile communications matching systems, Fraccaroli teaches where the determining of the location of the CWC includes accessing an area code of a local wireless cellular network (columns 14 and 15, lines 66-67 and 1-3, respectively).

It would have been obvious to one of ordinary skill in the art at the time the invention



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was made to combine Raith's method with Fraccaroli's area code as reference in order to identify the geographical area according to the area code).

### **2. Appellant's Position**

Fraccaroli's dependent claim 42, cited by the Final Action, recites: "A method according to claim 35, wherein said geographical location is defined by a facility, a building, a street, a neighborhood, an area code, a city, a county, a state, a country, a region, or a cellular telephone coverage area (cell site)."

Fraccaroli discloses a wireless communication network comprising a server in a central location that stores matching profiles for a plurality of users of the network. The matching profile for each user is stored in the server through the user's mobile user or a secure page on the Internet. Each matching profile is corresponded with a respective mobile unit using the same identification information (ID) of the respective mobile unit utilized for carrying out phone calls. (Abstract, lines 1-8).

Fraccaroli's claim 35, from which claim 42 (cited by the Final Action) depends, states in relevant part,

"A method for creating a telecommunication link between users of an interlinking system, said system comprising user-associated two-way telecommunication devices and a computer, said computer and telecommunication devices being linked to a communications network, said computer comprising a receiver and a processor, said method comprising:

(a) said receiver receiving an identity data from each of said users relating to the identity of each user;

(b) said receiver receiving an activation data from one or more of said users, hereinafter defined as "active users", and location data with respect to said active users' respective current geographical locations ... ."

Independent claim 1 recites in relevant part,

"sorting, within said CWC [Client Wireless Component], said personal user information in a shortest-distance-first order based on said location of said CWC and said location

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identifiers".

Similarly, independent claim 18 recites in relevant part,

"a session manager within said CWC, whereby said personal user information is sorted by said session manager in a shortest-distance-first order based on said location of said CWC and said location identifiers".

The present invention describes the feature of sorting, within the client's wireless component, personal information in a shortest-distance-first order, based on the location of the client's wireless component and location identifiers of the personal information, which is stored in the client's wireless component.

In contrast, it is the centralized computer server's receiver, in Fraccaroli, that receives the location data with respect to the active user's current geographical location, where the location data may be defined as an area code.

Furthermore, Fraccaroli does not cure the deficiencies of Raith discussed above. Nowhere does Fraccaroli disclose, teach or suggest the present invention's claimed feature of "sorting, within said CWC [Client Wireless Component], said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers", as recited in independent claim 1 and similarly recited in independent claim 18. Instead, Fraccaroli merely discloses a centralized computer server's receiver that receives the location data with respect to the active user's current geographical location, where the location data may be defined as an area code.

For at least the reasons outlined above with respect to the anticipation rejection of claims 1, 2, 4, 6-12, 14-21, and 23-25 over Raith, and immediately above with respect to the unpatentability rejection of claims 3 and 22 over Raith and Fraccaroli, Applicant respectfully submits that Raith and Fraccaroli, either individually or in combination, do not disclose, teach or suggest the feature of "sorting, within said CWC [Client Wireless Component], said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers", as recited in independent claim 1 and similarly recited in independent claim 18. Accordingly, Raith and Fraccaroli, either individually or in combination, do not render obvious the subject matter of independent claims 1 and 18, and dependent claims 3 and 22 under

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35 U.S.C. 103(a). Withdrawal of the rejection of claims 3 and 22 under 35 U.S.C. 103(a) as unpatentable over Raith in view of Fraccaroli is respectfully solicited.

### **C. The Unpatentability Rejection of Dependent Claims 5 and 13 over Raith and Mura-Smith**

#### **1. The Position in the Office**

Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith in view of Mura-Smith, Kiyoko (Mura-Smith, US006127945A).

Regarding claims 5 and 13, Raith teaches all the limitations of claims 1 and 10, respectively.

Raith does not specifically teach where storing the location into the CWC by inputting the location in a location tracking database that stores both the location and a timestamp.

In related art concerning a mobile personal navigator, Mura-Smith teaches where storing the location into the CWC by inputting the location in a location tracking database that stores both the location and a timestamp (column 9, lines 38-44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Raith's method with Mura-Smith's time-stamping in order to keep better track of the user's route, so that, when the user wants to go return to his point of origin, he/she can track his was back.

#### **2. Appellant's Position**

Mura-Smith discloses that his personal navigation device may provide a trail back to an origin. In such an instance, a user venturing out on a route periodically engages the navigation recording key of navigation controls 14 as the user travels along the route. As the locations are stored, the locations are also time-stamped. (col. 9, lines 38-44, which is cited by the Office Action).

Independent claims 1 and 10 recite in relevant part,

"sorting, within said CWC [Client Wireless Component], said personal user information

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in a shortest-distance-first order based on said location of said CWC and said location identifiers".

Mura-Smith does not cure the deficiencies of Raith discussed above. Nowhere does Mura-Smith disclose, teach or suggest the present invention's claimed feature of "sorting, within said CWC [Client Wireless Component], said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers", as recited in independent claims 1 and 10. Instead, Mura-Smith merely discloses time stamping way-points along a user's route, so he/she may return to his/her point of origin.

For at least the reasons outlined above with respect to the anticipation rejection of claims 1, 2, 4, 6-12, 14-21, and 23-25 over Raith, and immediately above with respect to the unpatentability rejection of claims 5 and 13 over Raith and Mura-Smith, Applicant respectfully submits that Raith and Mura-Smith, either individually or in combination, do not disclose, teach or suggest the feature of "sorting, within said CWC [Client Wireless Component], said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers", as recited in independent claims 1 and 10. Accordingly, Raith and Mura-Smith, either individually or in combination, do not render obvious the subject matter of independent claims 1 and 10, and dependent claims 5 and 13 under 35 U.S.C. 103(a). Withdrawal of the rejection of claims 5 and 13 under 35 U.S.C. 103(a) as unpatentable over Raith in view of Mura-Smith is respectfully solicited.

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**D. CONCLUSION**

In view of the foregoing, Appellant respectfully submits that: claims 1, 2, 4, 6-12, 14-21, and 23-25 are not anticipated by the prior art of Raith; claims 3 and 22 are patentably distinct over the prior art of Raith and Fraccaroli; and claims 5 and 13 are patentably distinct over the prior art of Raith and Mura-Smith. In addition, Appellant respectfully submits that claims 1-25, all the claims of the application, are in condition for allowance.

Therefore, Appellant respectfully requests the Board to reconsider and withdraw the rejections of claims 1-25 and pass these claims to issue.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

Date: February 7, 2008

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## **VIII. CLAIMS APPENDIX**

1. (Previously Presented) A method of sorting geo-spatial dependent data using a client wireless component (CWC), said method comprising:
  - receiving user documents comprising personal user information added by a user of said CWC, wherein said user documents have location identifiers associated with said personal user information;
  - determining a location of said CWC;
  - sorting, within said CWC, said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers; and
  - displaying said personal user information in said shortest-distance-first order on said CWC.
2. (Previously Presented) The method in claim 1, all the limitations of which are incorporated herein by reference, wherein said determining of said location of said CWC includes providing a global position satellite (GPS)-type CWC and tracking location of said GPS-type CWC using global positioning satellites.
3. (Previously Presented) The method in claim 1, all the limitations of which are incorporated herein by reference, wherein said personal user information comprises a personal telephone directory, and wherein said determining of said location of said CWC includes accessing an area code of a local wireless cellular network.
4. (Previously Presented) The method in claim 1, all the limitations of which are incorporated herein by reference, wherein said determining of said location of said CWC includes explicit entry of location data.

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5. (Previously Presented) The method in claim 1, all the limitations of which are incorporated herein by reference, further comprising storing said location into said CWC by inputting said location in a location tracking database that stores both said location and a timestamp.
6. (Previously Presented) The method in claim 1, all the limitations of which are incorporated herein by reference, further comprising editing said location identifiers to correspond to actual geo-spatial locations.
7. (Previously Presented) The method in claim 1, all the limitations of which are incorporated herein by reference, further comprising assigning said location identifiers based on information other than geo-spatial location.
8. (Previously Presented) The method in claim 1, all the limitations of which are incorporated herein by reference, wherein said sorting comprises calculating a distance between said location and said location identifiers and ordering said personal information by said distance, beginning with a smallest distance.
9. (Previously Presented) The method in claim 1, all the limitations of which are incorporated herein by reference, wherein the sorting of said personal user information in a location-dependent order by calculating the distance between current location and said location identifiers associated with said personal information is performed by logical dimension.
10. (Previously Presented) A method of sorting geo-spatial dependent data using a global position satellite (GPS)-type client wireless component (CWC), said method comprising:
  - receiving user documents comprising personal user information added by a user of said CWC, wherein said user documents have location identifiers associated with said personal user information;
  - determining a location of said CWC;

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sorting, within said CWC, said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers; and

displaying said personal user information in said shortest-distance-first order on said CWC.

11. (Previously Presented) The method in claim 10, all the limitations of which are incorporated herein by reference, wherein said determining said location of said CWC includes automatic determination by a global position satellite network.

12. (Previously Presented) The method in claim 10, all the limitations of which are incorporated herein by reference, wherein said determining of said location is by inputting a particular location into the CWC.

13. (Previously Presented) The method in claim 10, all the limitations of which are incorporated herein by reference, further comprising storing said location into said CWC by inputting said location in a location tracking database that stores both said location and a timestamp.

14. (Previously Presented) The method in claim 10, all the limitations of which are incorporated herein by reference, further comprising editing said location identifier to correspond to geo-spatial location by the GPS-CWC.

15. (Previously Presented) The method in claim 10, all the limitations of which are incorporated herein by reference, further comprising assigning said location identifiers based on information other than geo-spatial location.

16. (Previously Presented) The method in claim 10, all the limitations of which are incorporated herein by reference, wherein said sorting comprises calculating a distance between



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said location and said location identifiers and ordering said personal user information by said distance, beginning with a smallest distance.

17. (Previously Presented) The method in claim 10, all the limitations of which are incorporated herein by reference, wherein said sorting of said personal user information in a location-dependent order by calculating the distance between current location and said location identifiers associated with said personal user information is performed by logical dimension based upon user preference.

18. (Previously Presented) A system for sorting location dependent data, the system comprising:

- a client wireless component (CWC), the CWC having:

- a location tracker operatively configured with a location tracking database to determine a location of said CWC;

- a document database operatively configured with an editor, a presenter and a recorder, said presenter operatively configured with said location tracking database, wherein said document database comprises user documents comprising personal user information added by a user of said CWC through said editor, wherein said user documents have location identifiers associated with said personal user information;

- a session manager within said CWC, whereby said personal user information is sorted by said session manager in a shortest-distance-first order based on said location of said CWC and said location identifiers; and

- a graphic user interface adapted to display said personal user information in said shortest-distance-first order.

19. (Previously Presented) The system in claim 18, all the limitations of which are incorporated herein by reference, wherein said editor and said recorder comprise editing components that modify said location tracking database.

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20. (Previously Presented) The system in claim 18, all the limitations of which are incorporated herein by reference, wherein said presenter retrieves documents from said document database, and sorts them in location-dependent order for presentation by calculating said distance between current location from said location tracking database and location information associated with each document in said document database.

21. (Previously Presented) The system in claim 18, all the limitations of which are incorporated herein by reference, wherein said CWC further includes global positioning satellite (GPS) position components and distance determination for sorting said document database is determined by a signal from a GPS network.

22. (Previously Presented) The system in claim 18, all the limitations of which are incorporated herein by reference, wherein said personal user information comprises a personal telephone directory, and wherein said CWC includes position determining components for sorting said document database, said positioning determining components to determine said location of said CWC by accessing an area code of a local wireless cellular network.

23. (Previously Presented) A program storage device readable by machine, tangibly embodying a program of instructions executable by said machine to perform a method for sorting location dependent data using a client wireless component, said method comprising:

- receiving user documents comprising personal user information added by a user of said CWC, wherein said user documents have location identifiers associated with said personal user information;

- determining a location of said CWC;

- sorting, within said CWC, said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers; and

- displaying said personal user information in said shortest-distance-first order on said CWC.

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24. (Previously Presented) A program storage device in claim 23, all the limitations of which are incorporated herein by reference, wherein said method further comprises editing said location identifiers associated with said personal user information by actual geo-spatial location.

25. (Previously Presented) The program storage device in claim 23, all the limitations of which are incorporated herein by reference, wherein said method further comprises editing said location identifiers associated with said personal user information by non-actual geo-spatial location.

## **IX. EVIDENCE APPENDIX**

There is no other evidence known to Appellant, Appellant's legal representative or Assignee, which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

**X. RELATED PROCEEDINGS APPENDIX**

There are no other related proceedings known to Appellant, Appellant's legal representative or Assignee which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.